

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

MONTRELLE DANIEL DOUGLAS :  
: CIVIL ACTION  
v :  
: NO. 10-5574  
JANE DOE, ET AL. :  
:

**O R D E R**

AND NOW, this 12th day of September, 2014, upon consideration of Defendant Joseph Korszniak's Motion to Dismiss (ECF No. 30) and Defendants Pennsylvania State Department of Corrections, John Wetzel, and William Lewis's Motion to Dismiss (ECF No. 31), and all papers submitted in support thereof and in opposition thereto, it is **ORDERED** as follows:

1. Defendants' Motions are **GRANTED** in part and **DENIED** in part as to Count One (42 U.S.C. § 1983). Count One is **DISMISSED** as to Defendant Wetzel.
2. Defendants' Motions are **GRANTED** as to Count Two (42 U.S.C. § 1983). Count Two is **DISMISSED** as to all Defendants.
3. Defendants' Motions are **GRANTED** as to Count Three (Americans with Disability Act, 42 U.S.C. § 12101). Count Three is **DISMISSED** as to all Defendants.
4. Defendants' Motions are **GRANTED** as to Count Four (Intentional Infliction of Emotional Distress). Count Four is **DISMISSED** as to all Defendants.
5. Defendants' Motions are **GRANTED** in part and **DENIED** in part as to Count Five (Negligent Infliction of Emotional Distress). Count Five is **DISMISSED** as to Defendants Wetzel and Lewis.

6. Defendants Wetzel and Pennsylvania State Department of Corrections are  
**DISMISSED** from this action.

**IT IS SO ORDERED.**

**BY THE COURT:**

A handwritten signature in black ink, appearing to read "R. B. Surrick".

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**R. BARCLAY SURRICK, J.**